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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON

8 ANTHONY LEROY LATTIMER,  
9 Plaintiff,  
10 vs.  
11 BRAD LIVINGTON, *et al.*,  
12 Defendants.  
13

NO. CV-08-312-JPH

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND TRANSFERRING  
ACTION TO EASTERN DISTRICT OF  
TEXAS, TYLER DIVISION**

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15 Magistrate Judge James P. Hutton filed a Report and Recommendation  
16 on October 14, 2008, recommending that Plaintiff Anthony Leroy  
17 Lattimer's action be transferred to the Eastern District of Texas.  
18 There being no objections, the Court **ADOPTS IN ITS ENTIRETY** the Report  
19 and Recommendation and directs this action be transferred to the United  
20 States District Court for the Eastern District of Texas, Tyler Division,  
21 pursuant to 28 U.S.C. §§ 1391 and 1406.

22 **IT IS SO ORDERED.** The District Court Executive shall enter this  
23 Order, send a copy of this Order to Plaintiff, and forward the file,  
24 along with a copy of this Order to the Clerk of Court, United States  
25 District Court for the Eastern District of Texas, Tyler Division, and  
26 close the file. The Court notes that no determination was made  
27 regarding *in forma pauperis* status.

1       **DATED** this 4<sup>th</sup> day of November 2008.

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3                               S/ Edward F. Shea  
4                               EDWARD F. SHEA  
5                               UNITED STATES DISTRICT JUDGE

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